

DEC 17 2009

PTO/SB/31 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |  |   |  |
|---|--|---|--|
| <b>NOTICE OF APPEAL FROM THE EXAMINER TO<br/>THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>  |  | Docket Number (Optional)  |  |
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] <u>12-17-2009</u><br>on _____<br>Signature <u>/Benzion A. Wachsmann/</u><br>Typed or printed name <u>Benzion A. Wachsmann</u> |  | In re Application of<br><u>David W. Roth et al.</u><br><hr/> Application Number <u>09/216,206</u> Filed <u>12-18-1998</u><br><hr/> For <u>System and method for real-time bidding for Internet advertising space</u><br><hr/> Art Unit <u>3622</u> Examiner <u>John W. Van Bramer</u> |  |
| Applicant hereby <b>appeals</b> to the Board of Patent Appeals and Interferences from the last decision of the examiner.  |  |   |  |
| The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))   |  | \$ <u>540</u>   |  |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:   |  | \$ <u>270</u>   |  |
| <input type="checkbox"/> A check in the amount of the fee is enclosed.  |  |   |  |
| <input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.  |  |   |  |
| <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.  |  |   |  |
| <input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____   |  |   |  |
| <input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.  |  |   |  |
| <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>   |  |   |  |
| I am the  |  |   |  |
| <input type="checkbox"/> applicant/inventor.  |  | <u>/Benzion A. Wachsmann/</u><br>Signature  |  |
| <input checked="" type="checkbox"/> assignee of record of the entire interest.<br>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.<br>(Form PTO/SB/96)  |  | <u>Benzion A. Wachsmann, on behalf of assignee</u><br>Typed or printed name   |  |
| <input type="checkbox"/> attorney or agent of record.<br>Registration number _____  |  | <u>718-928-2213</u><br>Telephone number   |  |
| <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br>Registration number if acting under 37 CFR 1.34. _____  |  | <u>12-17-2009</u><br>Date   |  |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.  |  |   |  |
| <input type="checkbox"/> *Total of _____ forms are submitted.   |  |   |  |

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-6199 and select option 2.

12/18/2009 HMARZ11 00000039 09216206

01 FC:2401

270.00 OP

PAGE 3/5 \* RCVD AT 12/17/2009 3:57:15 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-5/40 \* DNIS:2738300 \* CSID:(718) 504-9671 \* DURATION (mm-ss):01-54

RECEIVED  
CENTRAL FAX CENTER

DEC 17 2009

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---

In re Patent Application of:  
David William Roth et al.

Application No.: 09/216,206

Confirmation No.: 1079

Filed: December 18, 1998

Group Art Unit: 3622

---

For: System and method for real-time bidding for Internet  
advertising space

Examiner: John W. Van Bramer

STATEMENT UNDER 37 CFR § 3.73(b)

BEH Investments LLC, a Delaware limited liability corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above, by virtue of a chain of title from the inventor of the patent application identified above, to the current assignee as shown below:

1. From: David W. Roth, Dylan F. Salisbury To: Orst, Inc.  
The document was recorded in the United State Patent and Trademark Office at  
Real 008368, Frame 0113.
2. From: Orst, Inc. To: Flycast Communications Corp.  
The document was recorded in the United State Patent and Trademark Office at  
Real 009836, Frame 0118.
3. From: Flycast Communications Corporation (a California corporation)  
To: Flycast Communications Corporation (a Delaware corporation)  
The document was recorded in the United State Patent and Trademark Office at  
Real 017811, Frame 0238.
4. From: Orst, Inc. To: Engage, Inc.  
The document was recorded in the United State Patent and Trademark Office at  
Real 011903, Frame 0079.
5. From: Engage, Inc. To: BEH Investments LLC  
The document was recorded in the United State Patent and Trademark Office at  
Real 013895, Frame 0778.
6. From: Craig R. Jalbert, Liquidating Supervisor To: BEH Investments LLC  
The document was recorded in the United State Patent and Trademark Office at  
Real 018535, Frame 0073.

The undersigned is duly authorized to act on behalf of Assignee.

Dated: December 17, 2009

Respectfully submitted,  
Signature: /Benzion A. Wachsman/  
Name: Benzion A. Wachsman  
Title: General Manager